



PRESENT:

Mr. Russell J. Gulley, Chairman
Dr. William P. Brown, Vice Chairman
Mr. F. Wayne Bass
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission, Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans
And Information Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director,
Zoning and Special Projects Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Ted Barclay, Supervisor Code Compliance,
Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Karen Crenshaw, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Jeff Dopp, Senior Planner,
Development Review Section, Planning Department
Mr. Jeff Lamson, Senior Planner,
Development Review Section, Planning Department
Ms. Pamela Nichols, Clerk to the Commission,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Diane Skinner, Secretary, Administration Section,
Planning Department
Mr. Alan G. Coker, Senior Planner,
Development Review Section, Planning Department
Mr. Carl Schlaudt, Planning Administrator,
Development Review Section, Planning Department
Ms. Amy Somervell, Senior Planner,

Development Review Section, Planning Department
Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Mr. R. John McCracken, Director,
Transportation Department
Mr. Stan Newcomb, Principal Engineer,
Transportation Department
Mr. Steven Adams, Senior Engineer
Transportation Department
Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology
Ms. Carol Judkins, Budget and Management Analyst,
Budget Department
Lieutenant James R. Dawson, Fire Marshall
Fire Department
Dr. Mike Etienne, Communications Specialist,
School Administration
Mr. Bill Wright, Assistant Director Engineer
Utilities Department

ASSEMBLY AND WORK SESSION.

Messrs. Gulley, Brown, Bass, Hassen, Waller and staff assembled at 12:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner advised the Commission that staff requested amendment to the agenda to include a new Item V, Green Infrastructure. On motion of Mr. Hassen, seconded by Dr. Brown, the Commission amended the agenda as follows:

- I. Requests to **Postpone Action, Emergency Additions, Changes** in the **Order of Presentation**.
- II. Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review **Day's Agenda**. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. **Work Program – Review and Update.**📄
- V. **Green Infrastructure Planning in the Region.**
- VI. **Proposed Code and Policy Amendment Relative to Electronic Message Centers.**📄
- VII. **Proposed Code Amendment Relative to Fee Adjustments for Conditional Uses.**📄
- VIII. **Proposed Code Amendment Relative to Fee Adjustments for Non-Profit Organizations.**📄

IX. Recess.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller

II. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of April, May and June 2009.

III. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

IV. WORK PROGRAM - REVIEW AND UPDATE. [WORK PROGRAM](#)

After reviewing the status of items on the work program, the Commission directed staff to provide copies of the Outline for Phases of Study and Development of Swift Creek Reservoir Watershed Master Protection Plan; and the Code Amendment Relative to Unrelated Individuals Sharing Single Family Residences as approved by the Board of Supervisors.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the January 2009 Work Program as presented.

V. GREEN INFRASTRUCTURE PLANNING IN THE REGION.

Ms. Heather Barrar apprised the Commission of the regional green infrastructure meeting which she attended with Mr. Reuben Waller and Mr. Kirk Turner. The meeting was hosted by the Richmond Regional PDC and the Green Infrastructure Center and held at the Lewis Ginter Botanical Gardens.

VI. PROPOSED CODE AND POLICY AMENDMENT RELATIVE TO ELECTRONIC MESSAGE CENTERS. [ELECTRONIC MESSAGE CENTERS](#)

Mr. Greg Allen updated the Commission on the Committees' discussions relative to zoning compliance issues; timing of message change; and guidelines for granting administrative approval.

VI. PROPOSED CODE AMENDMENT RELATIVE TO FEE ADJUSTMENTS FOR CONDITIONAL USES. [FEE ADJUSTMENTS](#)

Mr. Larson presented information about the Conditional Use Fees in existence prior to the Board of Supervisors comprehensive fee adjustments of July 2008 and the Conditional Use Fee Schedule as Proposed by Staff.

The Commission directed staff to advertise the Conditional Use Fee Schedule as Proposed by Staff for the April 21, 2009 public hearing.

The Commission also directed staff to present a side by side comparison of the current fee schedule and previous fee scheduled of July 2008 for the April 21, 2009 work session.

VII. PROPOSED CODE AMENDMENT RELATIVE TO FEE ADJUSTMENTS FOR NON-PROFIT ORGANIZATIONS. [FEE ADJUSTMENTS](#)

Ms. McGee apprised the Commission that legal limitations prohibited fee reductions or waivers solely on the identity of the applicant; therefore, staff did not support fee adjustments for non-profit organizations.

The Commission directed staff to research Loudoun County's regulations relative to fee adjustments for non-profits and to present findings at the April 21, 2009 work session.

VIII. RECESS.

Mr. Turner introduced Ms. Diane Skinner, Administrative Assistance, to the Planning Commission.

There being no further business, the Commission recessed at 1:48 p.m., agreeing to reconvene in the Community Development Multipurpose Room for the Afternoon Session.

3:00 p.m. PUBLIC MEETING.

I. CALL TO ORDER.

Mr. Gulley, Chairman, called the meeting to order at 3:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to accept agenda as presented.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

III. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

IV. APPROVAL OF THE PLANNING COMMISSION MINUTES:

- February 17, 2009, PLANNING COMMISSION MINUTES.
[02-17-09-CPC-MINUTES-DRAFT](#)

On motion of Mr. Bass, seconded by Mr. Waller, the Commission resolved to accept the February 17, 2009, Planning Commission Minutes as written.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

V. CONSIDERATION OF THE FOLLOWING REQUESTS:

- **REQUESTS FOR DEFERRAL BY APPLICANTS.**

- C. **09PW0225:** In Midlothian Magisterial District, **NEW JOURNEY CHURCH** withdrew requests for development standard modification for exception to parking lot standards for **NEW JOURNEY CHURCH** in an Agricultural (A) District on 7.4 acres fronting approximately 296 feet along the east line of County Line Road approximately 90 feet north of West County Line Road. Tax ID 705-706-4923. [09PW0225-STAFF ANALYSIS](#)

Mr. Turner apprised the Commission of the applicant's request for withdrawal of Case 09PW0225.

The Commission acknowledged the withdrawal.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission acknowledged withdrawal of Case 08SN0218.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- B. **09PR0178:** In Midlothian Magisterial District, **BOND COMPANIES** requested deferral of approval of a site plan for **SPRING ROCK GREEN ROADWAY IMPROVEMENTS** in Residential (R-7) and Community Business (C-3) Districts on 1.5 acres that includes Boulder Springs Road and extends southeast for approximately 500 feet into Spring Rock Green. Tax IDs 762-710-Part of 5791; 763-709-Part of 7118; and 764-708-Part of 6312. [09PR0178-STAFF ANALYSIS](#)

Mr. Chris Pine, the applicant's representative, requested deferral of Case 09PR0178 to the May 19, 2009, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to defer Case 09PR0178 to the May 19, 2009 Planning Commission meeting.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- **CASE WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

- A. **09PR0227:** In Matoaca Magisterial District, **P & F, LLC** requests site plan approval for **PEARSON HONDA** in a Community Business (C-3) District on 12.1 acres located in the southwest quadrant of Hull Street and Spring Run Roads. Tax IDs 725-671-3757 and 9228. [09PR0227-STAFF ANALYSIS](#)

Mr. Jeff Lamson advised the Commission that staff had recommended deferral of the request for ninety (90) days because the plans did not comply with conditions of zoning; and numerous outstanding requirements, including dedication of right-of-way, were not addressed.

Mr. Bill Johns, the applicant's representative, did not accept staff's recommendation and asked the Commission to proceed with consideration of the case.

Mr. Jeff Lamson presented information and staff's recommendation for deferral relating to the plans not complying with conditions of zoning for decorative fencing and architectural treatment.

Mr. Steve Adams presented the Transportation Department concerns, noting that Conditions 5 and 6 of the zoning case had not been addressed with the site plan.

Mr. Bill Johns, the applicant's representative, apprised the Commission of changes to the request to include the relocation of the dumpster; additional improvements to North Spring Run Roads; and the installation of a chain link fence.

Mr. Jack Shady, architect, stated that the proposed facility represented a good design and benchmark for other such facilities in the county;

Mr. Gulley opened the floor for public comments.

Mr. Frank Pearson, applicant, commented on the plan revisions to address the neighborhood concerns; provision of new job opportunities; and the design meeting Honda Corporation's requirements.

Mr. Jim Wagner spoke in favor of the request but noted concerns relative to increased traffic; and access improvements.

Mr. Ronnie Grey, member of the association for Norwood Pond, noted concerns relative to increased lighting from the facility; location of dumpsters; safety; and increased traffic hazards.

There being no one else to speak, Mr. Gulley closed the public comments.

In response to questions from Mr. Gulley, Ms. McGee stated that because the request did not comply with conditions of zoning, the Commission could not legally render an approval of the request.

Mr. Gulley advised Mr. Johns to consider a ninety (90) day deferral of the case to address the conditions of zoning.

It was the consensus of the Commission to recess for fifteen (15) minutes to allow Mr. Johns the opportunity to discuss revisions of the request with the applicant.

The Commission recessed at 4:03 p.m.

The meeting reconvened at 4:27p.m.

Mr. Johns, the applicant's representative, requested deferral of the case to the April 21, 2009 Planning Commission meeting.

Mr Bass stated that the request for deferral would be on his request and not the applicant's

The following motion was made at Mr. Bass's request.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission, on their own motion, resolved to defer Case 09PR0227 to the April 21, 2009 Planning Commission meeting.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

VI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:29 p.m., agreeing to meet in the Executive Meeting Room at 5:00 p.m. for dinner and to reconvene in the Public Meeting Room at 6:30 p.m. for the public hearing.

5:00 P.M. DINNER - PUBLIC MEETING ROOM.

During dinner, there was general discussion regarding pending cases.

6:30 P. M. PUBLIC MEETING AND HEARING.

Mr. Gulley, Chairman, called the meeting to order at 6:30 p.m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

I. INVOCATION.

Mr. Waller presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Gulley led the Pledge of Allegiance to the Flag.

III. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Gulley apprised the Commission of an amendment to the agenda to include a new Item VIII, Suspension of By-laws to allow consideration of a Tentative Subdivision at the April 21, 2009 Planning Commission Public hearing.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to amend the agenda.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

V. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments.

VII. PUBLIC HEARING.

- REQUEST FOR WITHDRAWAL.

- C. 06SN0313: In Midlothian Magisterial District, **LAUCKLAND HOMES LLC** withdrew requests for rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on 6.2 acres fronting approximately 1100 feet on both sides of Tacony Drive and the south line of Elkhardt Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. Tax ID 767-700-1223. [06SN0313-STAFF ANALYSIS](#)

Mr. Turner advised the Commission of the applicant's request to withdraw the request.

The Commission acknowledged the withdrawal of Case 06SN0313.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission acknowledged the withdrawal of Case 06SN0313.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- REQUESTS FOR DEFERRAL BY APPLICANTS.

- D. 07SN0180: In Bermuda Magisterial District, **PAGE DEVELOPMENT CO.** requested deferral of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) on 18.3 acres lying approximately 490 feet off the south line of Treely Road, approximately 180 feet east of Eves Lane. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. Tax ID 791-637-Part of 7209. [07SN0180-STAFF ANALYSIS](#)

Ms. Kristen Keatley, applicant's representative, requested deferral of Case 07SN0180 to the January 19, 2010, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to defer Case 07SN0180 to the January 19, 2010 Planning Commission public hearing.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- E. 08SN0255: In Clover Hill Magisterial District, **KPC PROPERTIES** requested deferral of consideration for an amendment to Conditional Use Planned Development (Case 89SN0320) and amendment of zoning district map to modify limitations on nightclub/special events uses in a Residential (R-7) District on 1.3 acres lying approximately 610 feet off the west line of Millridge Parkway, approximately 300 feet south of Planters Wood Road. Density of such amendment will be controlled by zoning conditions or

Ordinance standards. The Comprehensive Plan suggests the property is appropriate for conservation/recreation and residential use of 2.0 units per acre or less. Tax IDs 730-678-0750, 0857, 0935, 1045, 1529 and 1553. [08SN0255-STAFF ANALYSIS](#)

Mr. Jim Theobald, applicant's representative, requested deferral of Case 08SN0255 to the June 22, 2009, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer Case 08SN0255 to the June 22, 2009, Planning Commission public hearing.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- **CASES WHERE THE APPLICANTS ACCEPT THE RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

- A. **09SN0158:** In Dale Magisterial District, **T.A. INVESTMENTS** requests Conditional Use Planned Development and amendment of zoning district map to permit a contractor's office and exception to paving requirements in an Agricultural (A) District on .7 acre known as 4107 Courthouse Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-2.5 dwelling units per acre. Tax ID 749-683-7179. [09SN0158-STAFF ANALYSIS](#)

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Dr. Brown stated that Proffered Condition 1 was revised to limit the use to specific individuals rather than a corporation.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 09SN0158 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This use shall be limited to R.T. Avery III and/or Raymond T. Avery IV for their use only and shall not be transferable or run with the land. (P)
2. There shall be no signs to identify this use. (P)
3. There shall be no outside storage. (P)
4. There shall be no dumpsters. (P)
5. There shall be no deliveries by any vehicle exceeding 4,000 pounds net weight and having more than two (2) axles. (P)

6. This use shall not be open to the public from 6:00 p.m. to 7:00 a.m. Monday through Saturday. There shall be no operations on Sunday. (P)
7. Except for security lighting, there shall be no exterior lighting. (P)
8. There shall be no additions or exterior alterations to the structure to accommodate this use. (P)
9. The plan prepared by Balzer and Associates titled Avery Courthouse Road - Minor Site Plan (01PM0154) and dated September 26, 2000 and revised October 25, 2000 and submitted with the application, shall be considered the Master Plan. (P)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- B. **09SN0174:** In Matoaca Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** proposes Conditional Use Planned Development and amendment of zoning district map to permit an above-ground water storage tank with communications tower use plus a height exception in an Agricultural (A) District on 2.0 acres fronting approximately 300 feet on the north line of Cosby Road, approximately 840 feet west of Fox Club Parkway. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for public use. Tax ID 714-672-Part of 8571. [09SN0174-STAFF ANALYSIS](#)

Mr. John Harmon, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Bass suggested a modification to Condition 6 to restrict the mounting of any cellular antennas to the top of the tank.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 09SN0174 subject to the following conditions:

CONDITIONS

1. In conjunction with the approval of this request, a ten (10) foot exception to the 150 foot height limitation for the water storage tank and communications tower use shall be approved. (P)
2. Except where the underlying Agricultural (A) standards exceed these requirements, development shall comply with Emerging Growth District Standards for Corporate Office (O-2) uses. (P)

(Note: This condition would require the screening of mechanical equipment located on, or associated with, any building from adjacent properties and public rights-of-way. This condition would not require screening for the tank structure or communication antennae.)

3. A fifty (50) foot buffer inclusive of required yards shall be provided around the perimeter of the property. Such buffer shall be landscaped in accordance with Ordinance requirements for fifty (50) foot buffers. (P)
4. The base of the water tank shall be secured by a minimum eight (8) foot high fence designed to preclude trespassing. (P)
5. There shall be no signs permitted to identify the communications tower use. (P)
6. The communications tower use shall only be permitted if it is incorporated into the structure of the water storage tank. Antennas and cables shall be mounted so as to minimize their visual impact and any antennas shall be mounted on the top of the tank. (P)
7. The water storage tank shall be grey or another neutral color, acceptable to the Planning Department. The communications equipment (antennas, mounting hardware, cables, etc.) mounted on the outside of the water tank structure shall be the same or similar color as the tank. Except for security lighting over the access doors at the base of the tank, the tank and communications equipment shall not be lighted. (P)
8. At such time that any communications antenna or equipment ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer of the communications tower use shall dismantle and remove the antennas and all associated equipment from the property. (P)
9. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion control devices have been installed. (EE)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- G. **09SN0144:** In Matoaca Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** proposes Conditional Use and amendment of zoning district map to permit a business (special events) incidental to a dwelling unit on 22.6 acres known as 16216 Genito Road. Density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. Tax ID 711-688-7172.

[!\[\]\(4729e517bc6a7cd81c8025b9646574fb_img.jpg\) 09SN0144-STAFF ANALYSIS](#)

Mr. Kirk Turner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 09SN0144 subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for John McBride, exclusively, and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the operation of a special events business. (P)
3. There shall be no additions or alterations to the exterior of the structure to accommodate this use. (P)
4. One (1) freestanding sign, a maximum of six (6) square feet in area, shall be permitted to identify this use. (P)
5. The days and hours which the special events business may be opened to the public and number of on-site special events shall be as follows:
 - a. Fridays between 8:00 a.m. and 11:00 p.m.;
 - b. Saturdays between 10:00 a.m. and 11:00 p.m.;
 - c. From December 1 through December 31 events may be held during the week from 4:00 p.m. until 11:00 p.m. except December 31 when the hours may extend until 1:00 a.m.;
 - d. There shall be a maximum of six (6) Sunday events per calendar year. Sunday events shall be limited to between the hours of 10:00 a. m. and 11:00 p. m.
 - e. A maximum of fifty (50) events per year shall be allowed. (P)
6. There shall be no deliveries to the property before 9:00 a.m. or after 6:00 p.m. Deliveries shall be restricted to Friday and Saturday only. (P)
7. Amplified sound equipment shall not exceed a noise level of 50 dB(A), as measured at the boundaries of Tax ID 711-688-3114-7172. Within sixty (60) days of approval of this request, information shall be submitted to the Planning Department for their review and approval to confirm compliance with this condition. (P)
8. Any freestanding lighting shall not exceed twenty (20) feet in height. (P)
9. Attendance at special events shall be restricted to a maximum of 275 guests at any one (1) time. (P)
10. A minimum of one (1) security officer for each 100 persons shall be provided at all special events to direct traffic into and out of the property and to monitor the lawful conduct of guests attending the event. (P)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.

- F. **08SN0267:** (Amended) In Bermuda Magisterial District, **GERALD R. AND JANET P. WHITE** request rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5) of 4.5 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on that tract plus an existing zoned Community Business (C-3) tract totaling 8.4 acres located in the southwest quadrant of Milhorn Street and Jefferson Davis Highway. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. Tax IDs 800-634-0291; and 800-635-0399, 0431, 0545, 0561, 0676 and 1091; and 800-636-0013, 0613, 1008 and 1019. [08SN0267-STAFF ANALYSIS](#)

The Commission agreed that a presentation from Staff was not necessary.

Mr. Dean Hawkins, the applicant's representative, stated that all parcels in the request area were included in order to address the setback issues of all the property owners and he was still working with VDOT and CDOT with transportation concerns.

No one came forward to speak in favor of, or in opposition of the request.

Mr. Hassen expressed his approval of the setback exceptions, noting that the aggregation of the properties would promote a cohesive appearance for the development.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0267 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Statement. The Textual Statement dated 25 February 2009 shall be considered the Master Plan. (P)
2. Uses. Uses located on the General Business (C-5) properties shall be limited to the following:
 - a) Any use permitted by right or with restriction in the Community Business (C-3) District.
 - b) Motor vehicle rental, service and repair provided that, except for minimal repairs necessary to allow a vehicle to be moved into the service area of the building, all repair activities and storage of new or replaced repair materials shall occur inside the building(s). (P)
3. Architectural Design. A minimum of seventy-five (75) percent of each building exterior (whether front, side or rear), exclusive of doors and windows, shall consist of masonry. Further, no building exterior shall contain corrugated and/or sheet metal. (P)
4. Dedication. Prior to any site plan approval or within ninety (90) days of a request by the Transportation Department, whichever occurs first,
 - a) Sixty (60) feet of right-of-way on the west side of Jefferson Davis Highway (Route 1/301), as measured from the centerline of Route 1/301, immediately

adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of the County of Chesterfield. An additional ten (10) foot wide permanent road construction and maintenance easement, acceptable to the Transportation Department adjacent to the ultimate right-of-way and within the required setback, shall be recorded in conjunction with this right of way. (T)

- b) Thirty (30) feet of right-of-way on the south side of Milhorn Street (State Route 1135), as measured from the centerline of State Route 1135, immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of the County of Chesterfield. (T)
5. Access. Direct vehicular access to and from the property along Jefferson Davis Highway shall be limited to two (2) entrance/exits. The exact location of these accesses shall be approved by the Transportation Department. (T)
6. Public Road Improvements. In conjunction with the initial development on the property, the developer shall be responsible for the following:
- a) Construction of a right turn lane on Route 1/301 at each approved access;
 - b) Construction of a left turn lane along Route 1/301 at each approved access based on Transportation Department Standards;
 - c) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of "off-site" right-of-way, the developer shall be relieved of the obligation to acquire "off-site" right-of-way and shall provide the road improvements within the available right-of-way as determined by the Transportation Department. (T)
7. Timbering Restriction. Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead and/or diseased trees, there shall be no timbering on the property until a Land Disturbance Permit has been obtained from the Department of Environmental Engineering and the approved devices have been installed. (EE)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

XII. SUSPENSION OF BY-LAWS TO ALLOW CONSIDERATION OF A TENATIVE SUBDIVISION AT THE APRIL 21, 2009, PLANNING COMMISSION PUBLIC HEARING.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission suspended their By-laws to allow consideration of Case 08TS0264, Wilton Development Corporation request for tentative subdivision approval for Centralia Station, at the April 21, 2009, Planning Commission Public Hearing.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no public comments.

IX. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr Hassen, seconded by Dr. Brown, that the meeting adjourned at 6:57p.m. to April 21, 2009, at 12:00 noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

Chairman/Date

Secretary/Date